

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA  
RETIREMENT FUND, in its capacity as a fiduciary of  
the AFTRA Retirement Fund, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Consolidated as  
No. 09-cv-00686 (SAS) (DF)  
ECF Case

BOARD OF TRUSTEES OF THE IMPERIAL  
COUNTY EMPLOYEES' RETIREMENT SYSTEM, in  
its capacity as a fiduciary of the Imperial County  
Employees' Retirement System, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

THE INVESTMENT COMMITTEE OF THE  
MANHATTAN AND BRONX SURFACE TRANSIT  
OPERATING AUTHORITY PENSION PLAN, in its  
capacity as a fiduciary of the MaBSTOA Pension Plan,  
individually and on behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

**PLAINTIFFS' MOTION FOR AN ORDER PRELIMINARILY  
APPROVING SETTLEMENT, APPROVING FORM AND MANNER  
OF NOTICE AND SETTING FINAL APPROVAL HEARING DATE**

The Board of Trustees of the AFTRA Retirement Fund (“AFTRA”), the Board of Trustees of the Imperial County Employees’ Retirement System (“ICERS”), and the Investment Committee of the Manhattan and Bronx Surface Transit Operating Authority Pension Plan (“MaBSTOA”), in their respective capacities as fiduciaries of the AFTRA Retirement Fund, the Imperial County Employees’ Retirement System and the MaBSTOA Pension Plan (collectively, the “Named Plaintiffs” or “Plaintiffs”), respectfully move this Court for an Order establishing a process for consideration of a proposed settlement.

In order to comply with Federal Rule of Civil Procedure 23 and the requirements of due process, Plaintiffs respectfully suggest implementation of a simple multi-step process, including:

1. Granting preliminary approval of the Settlement of the Action;
2. Approving the form and manner of giving notice of the Settlement to the Class; and
3. Setting the date and time for the Final Approval Hearing for the proposed Settlement and related deadlines leading up to the Final Approval Hearing.

A copy of the Stipulation<sup>1</sup> is attached as Exhibit A to the Declaration of Peter H. LeVan, Jr. in Support of Plaintiffs’ Memorandum of Law in Support of Plaintiffs’ Motion for an Order Preliminarily Approving Settlement, Approving Form and Manner of Notice, and Setting Final Approval Hearing Date. A proposed Order is attached to the Stipulation as Exhibit C.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for an Order Preliminarily Approving Settlement, Approving Form and Manner of Notice, and Setting Final Approval Hearing Date, and such other relief as the Court deems appropriate.

---

<sup>1</sup> All capitalized, undefined terms herein shall have the meaning ascribed to them in the Stipulation filed contemporaneously herewith.

Dated: March 16, 2012

Respectfully submitted,

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**

/s/ Peter H. LeVan, Jr.

Joseph H. Meltzer  
Peter H. LeVan, Jr.  
Shannon O. Braden  
280 King of Prussia Road  
Radnor, PA 19087  
(610) 667-7706

*Lead Class Counsel*

Of Counsel:

DEALY & SILBERSTEIN LLP  
Milo Silberstein  
225 Broadway, Suite 1405  
New York, NY 10007

NIX PATTERSON & ROACH, LLP  
Bradley E. Beckworth  
Jeff Angelovich  
Brad Seidel  
205 Linda Drive  
Daingerfield, TX 75638

BERNSTEIN, LITOWITZ, BERGER & GROSSMAN, LLP  
David L. Wales  
1285 Avenue of the Americas  
New York, NY 10019-6028

WOLF HALDENSTEIN ADLER FREEMAN HERZ LLP  
Gregory Mark Nespole  
270 Madison Avenue  
New York, New York 10016